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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,088	06/07/2001	Craig Henry Becker	AUS920010287US1	9378

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EXAMINER

TRUONG, CAMQUY

ART UNIT PAPER NUMBER

2127

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,088

Applicant(s)

BECKER ET AL.

Examiner

Camquy Truong

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 0701.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-35 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 6, 12-13 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack proper antecedent basis:

- i. The engine – claims 6, 30;
- ii. The vehicle data processing system– claims 12, and 13;
- iii. The condition – claims 12 and 13.

B. The following claim language is indefinite:

- i. As per claims 12 and 13, line 5, it is uncertain whether “ as set “ should be “ a set “.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (U.S. Patent 6,459,367 B1).

6. As to claims 1, 14 and 25, Green et al teach the invention substantially as claimed including: a method for distributed computing in a data processing system located in a vehicle, (col. 2, lines 9-10; col. 3, lines 7-8), the method comprise:

Monitoring for a condition in the vehicle data processing system (col. 2, lines 9-10; col. 2, line 65 – col. 3, line 10; col. 3, lines 29-30) in which processing resources can safely used for processing a data (col. 4, lines 24-26; col. 5, lines 33-35);

Responsive to detecting the condition, initiating processing of the data to generate a result (col. 5, lines 25-42); and

Transmit the result to a target data system in remote location (col.3, lines 61-62; col. 4, lines 58-60).

7. Green does not explicitly teach that the data for processing is a work unit. However, Green teaches that his system received data from monitored vehicle, and the data is processed (col. 5, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made that in fact Green's system can provide the work unit as claimed because the work unit is no more than receiving data from the monitored vehicle for processing by Green's system.

8. As to claims 2-3, 15-16 and 26-27, Green teaches the condition is a time when the vehicle is parked (col. 3, lines 47-49; col. 4, lines 9-10).

9. As to claims 5, 18 and 29, Green teaches the result is transmitted using a wireless communication link (col. 2, lines 58-60; col. 4, lines 53-56).

10. As to claims 6, 19 and 30, Green teaches the vehicle is parked if the engine is stopped (col. 3, lines 47-49; col.4, lines 9-10).

11. As to claims 7, 20 and 31, Green teaches the processing resources are provided by a first processor in the data processing system (col. 3, lines 45-47; col. 4, lines 13-15) and wherein the monitoring step, the initiating step, and the transmitting step are performed by a second processor in the data processing system (col. 2, line 65 – col. 3, line 10; col. 4, lines 58-60; col. 7, lines 22-30).

12. As to claims 9-10, 22-23 and 33-34, they are rejected for the same reason as claims 1, 14 and 25 above. In addition, Green teaches responsive to detecting a time in which processing resources can be safely used for processing the data, allocating processor resources within the vehicle data processing system to process the data (col. 4, lines 58-60; col. 5, lines 26-34).

13. As to claims 12-13, they are rejected for the same reason as claims 1, 14 and 25. In addition, Green teaches:

A bus system (Fig 2);

A communication Unit (26, Fig 2);

A memory and a processor (20, Fig 2);

Green does not explicitly teach that the memory includes a set of instructions system. It would have been obvious to one of ordinary skill in the art at the time the invention was made that in order for Green's system to perform the monitoring function, the memory in the processor must have include a set of instructions that will instruct the processor to do just function.

14. As to claims 4, 8, 11, 17, 21, 24, 28, 32 and 35, Green does not explicitly teach monitoring a battery power level in the vehicle. However, Green teaches monitoring a various vehicle-operating parameters, such as loading or weight speed, start/stop times and dates, travel time, mileage (col. 2, line 66 – col. 3, line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to also have included a battery power level and a key is present in an ignition for the vehicle because knowing the battery power level and a key is present in an ignition in the vehicle would improve the ability to diagnose, record, monitor, control, and optimize engine performance.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

September 22, 2004


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